(Supreme Court, [illegible])

No. 357.

W. L. WELLS COMPANY, Petitioner,

vs.

GASTONIA COTTON MANUFACTURING COMPANY.

SUPPLEMENTAL BRIEF FOR RESPONDENT.

CHARLES PRICE,
Attorney for Respondent.

Judd & Detweiler (Inc.), Printers, Washington, D. C. 1898

(19,312.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1904.

No. 237.

W. L. WELLS COMPANY, PETITIONER,

vs.

GASTONIA COTTON MANUFACTURING COMPANY, RESPONDENT.

SUPPLEMENTAL BRIEF FOR RESPONDENT.

In the opinion filed in the circuit court of appeals it is said that the conclusion reached by that court rendered it unnecessary that it should consider or discuss any of the other assignments of error. (See page 21 of Brief for Respondent.)

If, therefore, this court shall conclude that the circuit court of appeals erred in its judgment because the petitioner was a corporation of the State of Mississippi, and, as such, could maintain in the Federal court this action against the respondent, the proper judgment will be to remand the cause with a direction to take jurisdiction and consider and determine the other assignments of error.

American Sugar Refining Company, petitioner, *vs.* The City of New Orleans, 181 U. S., 277.

The circuit court of appeals heard argument upon these other assignments of error, but its conclusion, to wit, that the petitioner, not being a citizen of the State of Mississippi, could not maintain its action in the circuit court of the United States for the western district of North Carolina against the respondent, a citizen of that State and district, rendered it unnecessary and perhaps improper that the circuit court of appeals should consider the other assignments of error, inasmuch as the judgment of that court remanded the cause to the circuit court in order that other parties might be made and the jurisdiction of the circuit court over the controversy maintained, if the real parties in interest so desired.

CHARLES PRICE,
Attorney for the Respondent.